

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

draft, under the same title (S. P. 536) and that it ought to pass.

Mr. Powers, from the Committee on Legal Affairs, on An Act to authorize the county commissioners of the county of Hancock to locate, lay out and establish a way in the tide waters of Eggmoggin Reach in the town of Sedgwick. (S. P. 235) reported that the same ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Passed to be Engrossed

An Act relating to fishing in Sunday River, in Oxford county (H. D. 301)

(At this point the President resumed the Chair.)

Orders of the Day

On motion by Mr. Powers of Aroostook, S. D. 113, bill, An Act relating to the approval of stocks, bonds and notes, was taken from the table.

The pending question being the passage of the bill to be engrossed.

On further motion by the same Senator the bill was then passed to be engrossed.

Mr. Carleton of Sagadahoc: Mr. President, I have here some plans which I wish to add to the report of the joint committee of the Governor and Council and the 82nd Legislature upon the proposed locations for bridge over the Kennebec river in the vicinity of Bath and Woolwich. I therefore move that these plans be added to the report.

The motion was agreed to.

The same Senator then moved that the report be accepted.

The motion was agreed to.

The same Senator then moved that the report with accompanying plans be referred to the committees on interior waters and ways and bridges jointly.

The motion was agreed to.

On motion by Mr. Holly of Somerset, H. D. 268, bill, An Act relating to the trapping of fur-bearing animals, was taken from the table.

The pending question being the passage of the bill to be engrossed.

On further motion by the same Senator the bill was then passed to be engrossed.

On motion by Mr. Hinckley of Cumberland, S. D. 64, bill, An Act relating to industrial banks, was taken from the table.

The pending question being the passage of the bill to be engrossed.

On further motion by the same Senator the bill was then passed to be engrossed.

On motion by Mr. Anthoine of Cumberland, H. D. 260, bill, An Act relating to standard time, was taken from the table.

The pending question being the passage of the bill to be engrossed.

Mr. Anthoine then yielded to the Senator from Androscoggin, Senator Carter.

Mr. CARTER: Mr. President, in urging that this bill be passed to be engrossed, I would like to call the attention of the Senate to a few things in connection with it. This measure started in the House and is House paper No. 7, House document No. 6. It declares that the so-called "standard time" shall be the time of the State of Maine, and that it shall be unlawful for any town or other municipality to vote for, or otherwise establish, any other system of time. In its second section it provides that any violation of the provisions of this Act shall be punishable by a fine not exceeding five hundred dollars.

This bill and its provisions did not meet with the approval of all the committee before whom it was heard, after a very full and very ably conducted hearing on the part of both the proponents and opponents of the measure. In the first place, there was some question as to the constitutionality of the penalty, wherein it was provided that a town or municipality might be indicted unless it appeared in the statute that the power was given to it, relative to the constitutionality of the criminal penalty; and it also appealed to many of the committee that no town should be put in the category of a criminal if it exercised its right of individuality. Whereupon the man who drew the bill and presented it to the House, Mr. Harriman of Readfield, suggested and brought to the committee an amendment which appears as section two of the present bill, which appears in a new draft as House Document No. 260, changing the criminal penalty clause of the original bill to the following:

"The supreme judicial court in equity, by writ of injunction or otherwise, may restrain or annul proceedings in any town or city in violation of the preceding section, upon application of ten or more taxable citizens of the state, and a writ of

temporary injunction may issue forthwith without the filing of a bond by such petitioner."

The committee in considering this amendment, which removed from the Act all penalties or the employment of the criminal court in connection with the enforcement of the penalty against a town, city or municipality, united in a unanimous report that the bill "ought to pass," feeling that the individual in the state had a right to so conduct himself as he wished, as long as he did not infringe upon the rights of others, or that any groups of individuals had a right to work so long as they disturbed no one else in the hours they saw fit to work, or that they had a right to keep their places of business open during such hours as they saw fit.

On the other hand, the committee realized the importance of the principle that we should have one uniform time in the State of Maine upon which public business was conducted and appointments made, and other things of that sort relative to business conducted, rather than to have a series of times that might vary one from the other, and which would result in no one knowing exactly where they were.

Now, under this bill it is provided that every municipality must have standard time, and there is power to stop any town or municipality from voting to have anything but standard time. But under this bill, if my interpretation is right, there is nothing which prevents any group of individuals in any town or municipality from declaring their business to be conducted on any time they so see fit. The bill is limited to the town or municipality, to that body politic, and not to any individual or any group or individuals.

So, to take that home to my own town and county, under the terms of this bill the clocks in Androscoggin county, or in Lewiston and Auburn, would be run on the legal time of the state, which is standard eastern time. If the workers in our shoe factories and in our cotton mills, or wherever they may be situated, who through the long summer days are confined to in-door work, if they wish to have the use of and be allowed to use an extra hour of God's sunlight, there is nothing in this bill which prohibits that group of workers from starting their work at any hour they may wish, or from closing their work at

any hour they may wish or from setting their watches at any time they wish. But this bill does give a uniform time, and that uniform time is exactly the time which I understand is now on the statute books of this State, and it provides that the State shall run on standard time, which corresponds with the time of our railroads, and yet it does not stop any individual or any group of individuals from exercising their rights in regard to starting their business when they want to and closing their business when they want to, and keeping their clocks on whatever time they wish to keep them.

The committee which considered this matter was composed of members from the rural districts, from the city districts and the town districts, a very comprehensive committee representing the whole of our State, and that committee was unanimous in their agreement upon this present bill, which simply bars the public corporation from changing its public time from standard to any other time; it does not bar the right of any individual to so conduct his business or his time or his affairs as he so sees fit without encroaching upon the rights of others.

I will say, Mr. President, that I have received personally many petitions and letters which I have not introduced in the Senate or placed on the public record, and those petitions are upon both sides of this question. In my own county I think the Grange almost unanimously asked for the standard time to be preserved, and many city workers have asked that they should not be crowded out of their rights to have an extra hour of daylight in order that they may be out of doors. It seems to me that this bill, as it is now framed gives rights to both. The public corporation is on standard time, and that is the uniform legal time in this State and of every public corporation in the State, and under the provisions of this bill the individual can have what he wants when he wants it and where he wants it, as long as he stays within the law; and I therefore suggest to this Senate that this bill receive at the hands of this Senate this morning such a vote as will send it on its way to engrossment.

Mr. ANTHOINE of Cumberland: Mr. President, before proceeding to discuss the legal features of the new bill which has been presented by the

Senator from Androscoggin, Senator Carter, and before going into the matter of the subterfuge (and it is nothing but a subterfuge which the Senator states may be had under that bill), I desire to present to this body the petitions signed by various citizens of Cumberland County, men and women, residents of Portland, South Portland, Westbrook, and also other towns in the county. I have here a very large number of these petitions, Mr. President, which have been forwarded to me by these citizens with the request that they be presented at this time to this honorable body.

The first petition which I have here is addressed to this Senate, and it says: "We, the undersigned, citizens of this State, do respectfully request that you do not deny us through any act of the Legislature the right to enjoy the so-called daylight saving as endorsed by the citizens of Portland through their vote at the last special election." The signers of the petition constitute 174 of the 176 employees of Porteous, Mitchell & Braun Company, a large retail dry goods store on Congress Street, Portland, Maine.

I have here another petition in the same form signed by eleven employees of the Maine Savings Bank of Portland, and that is also addressed to this honorable body; also a petition signed by 14 employees of the Marks Printing House of Portland; also a petition signed by 11 employees of E. F. Soule Company of Portland, Maine; also a petition of Frank C. Allen and 29 employees of Cressey & Allen Company, of Portland, Maine; also a petition signed by 152 employees of Eastman Brothers & Bancroft, one of the largest department stores in Portland; also a petition of 99 members of the Kiwanis Club; also a petition of 119 employees of Rines Brothers Company, one other large department store in the city of Portland; also a petition of 34 employees of George C. Shaw & Company, a large wholesale and retail grocery store in Portland; also a petition of 25 citizens of South Portland, signed by Samuel E. Somers and 25 others of South Portland; also a petition of 53 employees of the Portland Stove Foundry Company; also a petition of 32 employees of Owen, Moore & Company, another department store in the city of Portland; also a petition by Roswell C. Bradford and 11 citizens of South Portland; also a petition by 44 em-

ployees of the Portland Public Market; also a petition by 153 employees of J. R. Libby Company, another large department store in Portland; also a petition by 26 employees of the Portland Evening Express, and I am informed there is another petition on the way containing 100 more names of employees of the Portland Evening Express; also a petition of 113 employees of the Evangeline Shoe Company, located in Portland; also petition of 71 citizens who are engaged or employed in the Trelawney Building, Portland, Maine; also petition of George F. Havener and 22 others, citizens of Portland; also petition of 51 employees of Milliken, Tomlinson Company, one of the largest wholesale grocery concerns in the State of Maine, and this petition includes the names of all but one of the employees of that concern; also the petition of Eugene C. Smith and 40 others, employees of Smith & Rumery Company, a large manufacturing plant in the city of Portland; also petition of 25 employees of the McDonald Manufacturing Company; also the petition of 70 employees of the Marine Hardware & Equipment Company of South Portland, Maine; also the petition of 46 employees of the C. H. Robinson Company, a wholesale paper concern in Portland; also the petition of 21 employees of the Thompson Art Company; also the petition of 20 out of 22 of the employees of S. H. & A. R. Doten Company a wholesale lumber concern in Portland; also the petition of Arthur B. Champlin and 72 employees of Twitchell & Champlin Company, a world famous concern; also the petition of Albion Keith and nine others, employees of J. E. Merrill & Company, jewelers; also petition of Walter C. Rosenblad and 17 employees of Jensen & Rosenblad, paper hangers and painters; also the remonstrance of Leon B. Walker and 51 others, citizens of the city of Portland; also remonstrance of 78 employees of Sawyer-Barker Company, wholesale dry goods company in the city of Portland.

I have one other, Mr. President, which I desire to present to this honorable body. This is from citizens of Portland, and it is as follows: "We, the undersigned, employees of Campbell, Payson & Noyes and Morse, Payson & Noyes, 121 Exchange street, Portland, Maine,

protest against the passage of any bill which shall interfere with our enjoyment of being released from office work an hour earlier each night, which privilege we have enjoyed under daylight-saving time. We feel that workers who are obliged to stay in offices all day during the hot summer months will welcome the opportunity to get out an hour earlier, and that some attention should be given to the health of the people of the State of Maine who are obliged to work within doors, and that those who work out of doors should not determine the hours which we shall work in doors." That is signed by Ralph L. Young and by all the employes of Morse, Payson & Noyes and Campbell, Payson & Noyes.

I wish particularly to call your attention to the character and to the quality of these petitions, to the signers of these petitions, and you will find that practically every one of these petitioners, and they number thousands, are employes of stores, factories, and manufacturing plants in the city of Portland. It means a great deal to these people in the city of Portland, to the young men and the young women who labor in those factories and in those stores and those large manufacturing plants to have this extra hour of day time. It means more to them than it does to any other group of people in the State of Maine.

At the hearing which was held on this matter in this room a month or so ago, it was remarked that the only proponents of this measure were the rich men who wanted to go out and play golf. Now these petitions contradict that theory absolutely. I have heard it said that the rest of the State did not want to come in and do business with Portland on a different time. It is true that there are many people from outside the city of Portland who do business with us in the city of Portland. We certainly are glad of that and we wish there were more who came and did business there. I submit that the little inconvenience of those people who come in and do business with us is more than outweighed by the convenience and the health and happiness of those who labor in our stores and factories, and that the health and happiness of those employes more than outweighs the little inconvenience that may be suffered by the

people who come there to do business. I call your attention to this fact, that if we do adopt this bill and put into effect the subterfuge which has been urged by the Senator from Androscoggin, Senator Carter, these people who come in and do business are going to be just as much inconvenienced, so that that argument amounts to nothing.

I have no question as to the honesty and the sincerity and the high-mindedness of those who are really opposed to the provisions of this bill, and with many of them I am in hearty accord on other matters. I do feel that there are unwise and undesirable laws. This is a sumptuary law; it harks back to the old blue laws, the reminiscent laws of the old Colonial days. For instance, it is reminiscent of the law which made it illegal for a man to kiss his wife on Sunday, entirely unnecessary legislation. The proponents of this measure are but entering a wedge to other sumptuary legislation. It may be carried to a ridiculous and absurd extreme and still be in accord with the principles which they are urging in this bill. It may be that other legislatures will pass laws which define what we shall have to eat and what we may have to wear. I may say, I might warn the distinguished Senator from Androscoggin, Senator Carter, who has so ably presented this bill on the floor of the Senate here, that they may even go to the extent of defining and describing the texture and the material and the color and patterns of neckties which it will be permissible for individuals to wear.

I say it is unwise legislation, Mr. President, and entirely unnecessary; it is contrary to the prevailing spirit of the times. We are looking toward progressive, constructive legislation rather than narrow, intolerant legislation such as this bill contemplates.

I wish to call the attention of this Senate to an item which appeared in the paper on Friday of last week, and it is as follows: "The House of Commons, London, today passed to the second reading a bill to provide for daylight saving as a permanent institution by a vote of 289 to 63. The bill is designed to secure agreement in as many countries as possible on the summer time period. Similar measures are being taken in France and Belgium."

It is but a short time, Mr. President, before the world will adopt legislation of this nature because it

is desirable legislation. Now the state of Maine does not want to make itself ridiculous by putting itself in opposition to this world movement. We are particularly affected by standard time in the state of Maine, we are at the extreme eastern edge of the standard time belt, in fact, there is more than an hour difference in time between Eastport, Me., and the extreme western edge of the eastern standard time belt, so that that time in the extreme western time belt is really what would be daylight saving time for us, and we are getting the worst end of the deal on the eastern standard time. This is a matter which I am content to leave to the good judgment of the members of this Senate.

I believe that these petitions which I have presented from the men and women of the city of Portland, and also from South Portland and Westbrook, these men and women who work in stores and offices will speak far more eloquently and carry far greater weight than any words I may say to you. I believe that we should not pass this bill and this subterfuge that has been referred to by the Senator from Androscoggin.

Mr. CRAM of Cumberland: Mr. President, I also desire to present several petitions from the workers of Portland and vicinity against the passage of this bill relating to standard time, and I will present for your consideration the petition of Roy A. Purington of Portland and 43 others, patrons of the Twilight League of Baseball; also the petition of S. W. Hersey and 21 others employees of Winslow & Company of Portland, pottery manufacturers well known throughout the world; also petition of Mary A. Coyne and 35 others, employees of the F. W. Woolworth Company; also petition of Edward H. Cushman and 24 others, employees of Myron D. Kidder Company, dealers in the Reo automobile, Portland; also petition of Harry Nielson and 33 others, employees of the Thomas Laughlin Company, well known iron manufacturers of Portland; also petition of George F. Reynolds and 69 others, employees of the Portland Company; also petition of H. W. Knight and 26 employees of Schlotterbeck & Foss Company of Portland; also petition of B. H. Gowen and 30 others, employees of E. Corey Company; petition of William H. Ohler and 24 oth-

ers, employees of the Tucker Printing Company; petition of F. M. Barchard and 107 others, employees of the American Can Company; petition of F. H. Dunton and 22 others, employees of Oren Hooper's Sons Company; petition of Henry C. Quincy and 15 others, employees of the Colonial Silver Company; petition of George J. Jason and 52 others, members of the Twilight Baseball League of Portland; petition of Catherine T. Campbell and 39 employees of the Maine Electrical Company; petition of Leila B. Richardson and 33 others, employees of the Thomas Smiley Apparel Shop; petition of Frank G. Leavitt and 16 others, employees of Carter Brothers, a jewelry concern renowned throughout the country; petition of Gertrude L. Davis and six others, employees of William M. Cross, Portland; petition of Wesley C. Freese and 206 others, residents of Portland and vicinity; petition of James N. McFarland and 89 others, employees of A. S. Hinds Company; petition of Frank L. Ricker and 220 others, employees of E. T. Burrows Company.

These petitions, Mr. President, are all opposing the passage of the bill relating to standard time. They certainly speak for themselves. They are the petitions of the employees and the workers in the factories and shops who go to work early and are obliged to punch the time clock both on going to work and on returning from their work. I have this morning received this letter:

"For 49 years I have worked at my present job. I have been on the job every day, and there was never anything in the whole 49 years that gave me so much pleasure and also gave my family so much pleasure as the extra hour of daylight which they are now trying to take away from us."

Mr. President and members of the Senate, these are the people who are benefitted by this extra hour of daylight, and is it not the intention that we should all enjoy the extra hour of daylight during the summer time. We all know that nature sleeps during the winter, and in the spring time nature comes to life. During the summer months when the long hours of daylight are with us all the animals and life of all kinds rises early to enjoy the long period of activity that is provided for us to enjoy. Why should not man do the same thing? We have passed in

this legislature a bill appropriating \$25,000 for each of the two coming years for the purpose of developing Maine, in an endeavor to bring tourists into our state. Tourists certainly enjoy the extra hour of daylight. The states of Massachusetts and New York have such a law, and why should not the state of Maine have it? When the tourists arrive at the gateway of Maine, which is considered to be Portland, they will want to get an early start for other parts of the State.

I am reminded of a little story of a small boy, a very small boy who was carrying his baby brother across the street, and a man seeing him said "Isn't he quite heavy?" The boy looked up and smiled and said "No; he is my brother."

Now I say it may be a little annoyance to some of the people of this State to have daylight saving in some parts of the state where you may have standard time, but that annoyance is really very small, but we should consider first that it is for the good of all and not the good of a small part of our people. We are all working together for the best interests of the State and the idea of having daylight saving in some part of the State may cause a slight annoyance to some few, but please remember if it causes you a slight annoyance that the other people of the state "are still your brothers."

The PRESIDENT: The Chair will state that we have received these several petitions, and if any Senator will make a motion we will place them on file.

Mr. WALKER of Knox: Mr. President, I represent the sentiment of the section of Knox County, more especially the city of Rockland and the town of Camden. I hold in my hand two petitions, one from the city of Rockland against the adoption of H. D. 260 in relation to standard time. This petition comes from the Lime-rock Railroad Company of Rockland. The other petition is from the town of Camden and represents the employees of the Camden Woolen Company of Camden. I also hold in my hand a telegram which I received this morning from Rockland. There is a vote by the city in favor of daylight saving time of more than two to one in favor of the same. I also understand that the town of Camden at their town meeting a week or two ago voted in favor of daylight saving time.

Mr. FOSTER of Kennebec: Mr.

President, I have thought that this matter had been pretty thoroughly gone over at the public hearing. I was very much interested, with you all, in the presentation of the matter that was made then. It was significant to me that only from a certain section, I think only from the city of Portland, was there any opposition manifested to the passage of the measure. If I remember correctly, very fully was the whole State represented by those who favor the passage of the measure. Since then I have taken pains to find out just how the city of Portland in their special election early in last December voted on the matter, and the figures given to me are these: There was a voting number there of 28,057. Of that number 6473 only voted in favor of the measure, or about one-quarter. Now if I have correctly tabulated the figures that have been presented here this morning by those who have again, I should judge, petitioned for this same measure in favor of daylight saving, less than one-quarter of the number who then voted in favor of it have expressed themselves at this time.

Now while I have great respect for that section of our state, Cumberland county and the city of Portland, it almost seems to me, Mr. President, as though it is a case of an active zealous minority, and it seems to me that we would do well to give attention to the state-wide representation that we had at the hearing on this bill, and I surely shall vote in favor of its passage.

Mr. WADSWORTH of Kennebec: Mr. President, there is an old saying that time is money, I think it should be standard, and I think we should understand what that standard is. And as time is money, I move the previous question.

Mr. MAHER: Mr. President, I rise to a point of order and request a ruling as to whether or not there is any Senate rule requiring the previous question? I think there is not.

The PRESIDENT: And furthermore there is no motion before the Senate.

Mr. WADSWORTH: I move the previous question if that is in order; if not I will withdraw it.

Mr. MAHER: Mr. PRESIDENT, I rise to a point of order and ask for a ruling as to whether a previous question motion is in order in this body?

The PRESIDENT: The Chair will rule that there is no such rule.

Mr. MAHER: Mr. President, I am extremely reluctant for divers reasons to say a word on this subject, particularly as what I might say would be construed as being at variance with my distinguished colleagues here in the county of Kennebec. It is not amiss to say that personally daylight saving has never had any personal appeal to me. I never liked it, I think it is an annoyance. I have preferred very much to regulate myself and to accommodate myself to the standard time. I have seen what appealed to me as very cogent and controlling reasons against daylight saving which have not been adverted to here in argument, nor do I think it was brought out at the hearings. If so, I saw no reference to it in the public reports thereof, namely, that the great demand for daylight saving is supposed to come from the so-termed workers who desire the additional hour for recreational or health purposes—commendable, desirable, if correct. I do not forget, and cannot forget, the ones back of those workers, in the shape of the housewife and the mother, who, when the daylight saving does obtain, as it did at one time in our city here, the employees had to go to work in the factories at the north end of this town at six o'clock as under standard time, and then under the daylight saving going to work at five, I picture that mother getting up in what to me would seem an excellent hour, if you were going to shorten time, for retiring, to get breakfast for the workers. So I can say I am heartily in sympathy with the principle of opposition to daylight saving time, and yet, anomalous but exact, I am exactly as opposed to this particular bill, and for very definite reasons which I can briefly give this Senate and thus capitalize the Senior Senator from Kennebec's apt statement that time is money.

In the first place it is absolutely unnecessary because it is the law today. Either the law means something or it does not. And I fancy that this body is not meeting merely to pass something that will have the nature of a stopgap and be meaningless. The present statute of this State, if it would not be amiss to call it to the attention of this body, provides as follows, and it has been law for many years: "All courts and all state, county and town officers and their employees, in the transacting of their official business,

and all contracts unless it is otherwise provided therein, and all proceedings in law and equity, shall be governed by the eastern division of standard time." Now that was a well-considered act and it has stood through the years, and it is comprehensive as affecting any legal purpose intended or compassed by the measure under consideration, if I can understand the argument of the Senator from Androscoggin.

Now why should a Legislature emasculate, weaken, change, modify a comprehensive and controlling statute with something which is mere words, or else must contain something which we have not yet had suggested to us. I do think there is something more in this measure than the Senator from Androscoggin has referred to, and the other thing which I find in this measure and which has not been adverted to by the Senators from Cumberland is a real objection of merit. Section 2 is not as innocuous, if I read it right and if my view of the law of it is right—it is not as innocuous and harmless as the Senator from Androscoggin interprets it. This takes the place of the penal element, the indictment and fining of a town in section 2. And what does it do? The Supreme Court in Equity, by writ of injunction or otherwise, may restrain or annul what? Restrain or annul corporate action, municipal action, action of the courts, town officers, official doings? No. May restrain or annul proceedings in any town or city in violation of the preceding section. The comprehensive term, "The Supreme Court in Equity may restrain by injunction proceedings"—what sort of proceedings?—that would confer jurisdiction upon the Supreme Judicial court, upon the petition of ten tax payers, to restrain the action of some country club that saw fit to regulate, as the Senator from Androscoggin has suggested, their habits without the law. If they see fit actually to conform, it says "annul proceedings." And what does the term "proceedings" mean? Proceedings means in its ordinary, plain, simple definition "doings, happenings, acts."

Now any proceedings of a town—It is, I say, loose and ambiguous, fruitful of litigation, fruitful of dissension. It is not drawn with that clarity, with that definiteness, and with that precision, that should characterize a law that is receiving the

solemn consideration of this body. I frankly and freely say to you, gentlemen, that by comparison with what has been the controlling law of this state through the years it suffers. It is not comparable with that law. It is not as good a law.

There is another element in that second section—it is either there through inadvertence or design—which I think is a mischievous provision. The equitable proceeding to annul restraint, enjoin proceedings in any town or city, in violation of the preceding section—how? Upon the application of ten or more taxable citizens of said town or city? No. Upon petition of ten or more taxable citizens of the State. The city of Lewiston or the city of Portland, or some organization thereof, some particular group there, may be attempting to be without the law as the Senator from Androscoggin intimated that they might, if I understood the meaning of his words. I understood the Senator to say that this simply enforced what was already the law with reference to the towns and cities themselves in a corporate capacity, but that any groups, any organizations, any business, any enterprises that wanted to fix their watches on any other basis, that they were free so to do; if I understood his argument.

That being so, I say that any group or organization proceeding in a certain city under what they view to be their rights, and which the Senator interprets to be their rights, that any taxpayers of Readfield, or of Aroostook, or of the most remote section of the State, can go into equity and petition for an injunction—men who are not any more interested in the happenings in Androscoggin, or Lewiston, or Portland or Augusta, except in a remote way as any citizen is,—who are not any more interested or affected by the proceedings or doings of this group or organization than as though they lived in Buffalo, the western extreme.

One Senator touched upon the bight of this matter. Time is a relative term and the arbitrary distinctions of places where time varies are simply man-made regulations. The State of New York in the western part thereof, the city of Buffalo and all that rich region thereof, and all down the Susquehanna valley, down through Pennsylvania, all over that western belt of this eastern division of standard time, have today, when

they proceed and act under this eastern standard time, the provision which we have here, they are having in effect all that the State of Maine could get by the daylight saving, and they seem to get along, and the agricultural interests of those communities do not seem to suffer. I do not like the changing over. I like standard time. I would stand up and oppose any proposition to make daylight saving the law of the State. But, on the other hand, I do not like useless, mischievous, needless tinkering with established law that has served its purpose. And I do not like, on the other hand, the creating of new causes of action in the equity courts of this State, to raise useless questions over not profitable issues.

The PRESIDENT: There is no motion before the Senate.

Mr. CARTER: Mr. President, I move that the bill under consideration be passed to be engrossed, and with the permission of the Senate I would like to say a few more words in reply to the remarks which have been made. My interpretation of section two of this bill differs from that of my Brother, the Senator from Kennebec, Senator Maher. If I gather correctly from his remarks he says in relation to this section, that "The supreme judicial court in equity, by writ of injunction or otherwise, may restrain or annul proceedings in any town or city in violation of the preceding section—." Now stopping there and pausing for a moment. They may restrain, and they are given the power to restrain or annul proceedings. Not world-wide proceedings, but proceedings limited to what is set forth in the preceding section, and limited to that alone by the very terms of the bill. The preceding section says "It shall be unlawful for any town or other municipality to vote for, or otherwise establish, any other system of time," and the supreme judicial court, if my interpretation is correct, can by its use of injunction, or otherwise, restrain or annul proceedings in any town or other municipality which attempts to or has voted for any other time, or established any other system of time, and that only. This is not a subterfuge. The ten members of this committee did not vote for this as a subterfuge, and vote unanimously. This committee was seeking some law by which one time could be made the time of this State. I agree with my Brother that that is already

on the statute books of this state in relation to public offices, and that matter was considered by the committee.

But under the law on the statute books the different municipalities in this state have in violation of the law voted to go on daylight time, and they have gone on daylight time in violation of that particular law which my Brother reads, and was anything done about it? Was there any penalty for such a violation? I say there was not.

A bill came into this Legislature which provides a penalty for such violations and made criminals out of workers in these cities who desired that extra hour of God's sunlight. Was that to be tolerated? No. Not by any member of the committee was it to be tolerated. And neither was it to be tolerated that municipalities in defiance of the statute should be permitted to vote to go on daylight saving time. We believed on this committee that the law should be enforced, and the law as read by my Brother should be enforced, and without making criminals of innocent workers, this which my Brother, the Senator from Cumberland, Senator Anthoine, and my Brother the Senator from Kennebec, Senator Maher, say is the subterfuge of the ten members of this committee. We believe without making criminals of the cities or of the workers, it is giving the courts of this state a right to enforce laws of this state as read by my Brother, and does not leave the situation in the state to be such with the law on the books that standard time should be the state time; and yet our cities can vote for a daylight time and have done it, and they have lived under it with no way of enforcing the law. This is no subterfuge. Under the provisions of this measure no ten tax-payers can stop my Brother from playing golf by daylight saving time at the Augusta Country Club unless my Brother or the Augusta Country Club is a body politic, a corporation or a town or municipality, and as far as I know from my acquaintance with the Augusta Country Club it is not a public corporation or a body politic.

This law was suggested for the protection of the workers in the cities, and I am speaking in so far as my relations with the committee were concerned, as much as for any other purpose. It was the purpose of the committee to see that all those workers were looked out for.

I want to say that in the city of Lewiston—which has sometimes been spoken of as being bad, that we are a law-abiding city, and they have in that city voted for standard time, and the workers among themselves have wanted the extra hour of God's sunlight, and they have had it and are satisfied with it. The farmer has his standard time, and our workers have had the extra hour of God's sunlight, and the city of Lewiston has not broken the published law of the State of Maine, as some other municipalities in this state have done. With the present statute it is not useless, it is not unnecessary, it is not a subterfuge, but the municipalities and the public corporations of this state will have one uniform time which is standard and the individual will have a right to live his life as he sees fit as he obeys the law, and for these reasons I urge the passage of the measure.

Mr. MAHER: Mr. President, may I ask the Senator from Androscoggin, Senator Carter, through the Chair, what does this Act provide that it not provided by the present law, as he understands it?

The PRESIDENT: The Senator from Androscoggin, Senator Carter, hears the question of the Senator from Kennebec, Senator Maher, and may answer through the Chair if he sees fit.

Mr. CARTER: Mr. President, my understanding of the present law is that either through the present law or the laxity of public officials, or whatever it may be, that although the time is declared to be eastern standard by the statutes already now in effect, yet some municipalities have voted to go on daylight time, and have in fact changed all their clocks including the public clocks on to daylight time, without let or hindrance under the law as it now exists. With the law as we have suggested in this bill that cannot be done, the law cannot be winked at, because it is up to any people anywhere to bring it to the attention of the court that the law of the land is being violated.

The PRESIDENT: The Chair will inquire if that answers the question of the Senator from Kennebec, Senator Maher?

Mr. MAHER: Mr. President, I will say briefly that the answer does not inform me. It may be that I am unable to comprehend clearly what the Senator from Androscoggin,

Senator Carter means, but if I get it, it is that while the law is in its original provision, what shall be and what shall not be the same as this Act, that it will permit some people to call to the attention of the court that the law is being violated. I do not know of any provision of this Act to prevent any ten men or any one man in any section of this State who sees fit to call to the attention of the Court any evasion of law.

I will call to the attention of the Senator from Androscoggin, Senator Carter, another departure, which I think he would be very much interested in, and I shall be glad to have his views thereon, and that is the matter of legal procedure in the State of Maine. The existing law provides very definitely what shall be the legal standard of time, and it does not provide any penalty for the violation thereof. And it has occurred to some that this very Act which has been under discussion, and the original Act apparently which had this penal clause in it, was a good way to put teeth into the law and make that law enforceable. I think they were poorly advised, and I do not like the method in which they go about it, because they create a statute which says what shall be the law, and they create no penalty for the violation thereof, but now by this Act create a penal offense and make a punishment of the penal offense within the purview of the equity court. There is a scope and a breadth and a meaning in this law as we are considering it as a precedent that is bad; that is bad from a legal standpoint. I do not like to see any penal statute created and prosecutions thereunder remitted to anything other than that tribunal which has come down to us from Magna Charter, namely, the jury.

When you take and create penal provisions and put the enforcement of those provisions on to the equity arm of the court, you are going quite a way. And when the Senator from Androscoggin says there is no method of enforcing the present law, I will call his attention to section 1 of chapter 137 of the present existing laws of this State. I call the attention of the sponsors and friends of the present standard daylight saving time to that section. Whenever there is a statute of this State saying what shall or what shall not be done, and

there is no penalty provided, the statute does not then simply by that omission become an unworkable empty phrase. Section 1 of chapter 137 provides that when there is not any other penalty, the penalty shall be either a fine not exceeding \$500 or imprisonment. To be sure the words are limited to person, but by the words and phrases here person and corporation are interchangeable; and the present law is this in Maine, that any man who wanted to get the city of Portland indicted, just as any other town may be indicted, for not keeping up its ways—who wanted to make a criminal complaint as against anybody who was violating the contract law, or any official who was working his employees on different than the standard time, he could proceed against him by the common and ordinary and regular system of criminal prosecution by indictment if he could get it, and if he could get an indictment he could get a conviction—then that individual or that municipality or that city would be liable to a penalty under section 1 of chapter 137 of §500.

There is law enough as it is, and when we commence to go away from the theory of a penalty for a penal statute to a penal statute with equitable procedure, you are getting a system of jurisprudence started in the State of Maine that I do not believe will be a precedent that is wise. I think it will be something that will come back to bother you when you say that you put on the equitable power of the court, on the equity side of the court the duty of enforcing by injunction the violation of anyone of all the numerous sumptuary laws that can be conceived and as readily introduced as this one. It is a departure to which I do not subscribe. I do not believe in daylight saving and I would vote against any attempt at changing standard time, but I do not believe that you want to monkey with the law as it is.

The PRESIDENT: Does Senator Anthoine desire to make a motion to present remonstrances of Ralph Harris and a hundred thousand more or less against this law?

Mr. Anthoine: I move they be accepted and placed on file.

The motion was agreed to.

The PRESIDENT: Does the Senator from Cumberland, Mr. Cram, care to do the same in relation to his?

Mr. CRAM: I also move in connection with those which I have presented in the Senate, that they be accepted and placed on file, petition of Roy Purington and many others, from Portland and vicinity.

The motion was agreed to.

Mr. Walker: Mr President, I move that the petitions of the Rockland Limerock Railroad and the Camden Woolen Company, John T. Leach and many others be accepted and placed on file.

The motion was agreed to.

Mr. CRAM: Mr. President, I desire to refer for a moment to the figures as quoted by the senator from Kennebec, Senator Foster, relative to the vote cast in the city of Portland in favor of daylight saving time so-called. He called attention to the fact that there were some 28,000 voters and that the vote in favor of daylight saving was 6473. I submit, Mr. President, that the usual vote cast in elections is sometimes less, and sometimes slightly over 50 per cent. of the registered vote; and I also submit that the vote as cast in Portland on daylight saving was two to one in favor. Therefore the vote cast was as large, if not larger, than that which is usually cast on questions submitted to the people and outside of elections.

Mr. President, I move you that we now adjourn, until tomorrow morning at ten o'clock.

The PRESIDENT: The motion to adjourn takes precedence of the motion of the senator from Androscoggin, Senator Carter.

A viva voce vote was taken and the motion to adjourn was lost.

Mr. BARWISE: Mr. President, I move the previous question.

Mr. MAHER: I rise to a point of order.

The PRESIDENT: State the point of order.

Mr. MAHER: I would ask if this body is governed by an previous question rule?

The PRESIDENT: It is not.

Mr. CRAM: Mr. President, I move that H. D. 260, relating to standard time, be indefinitely postponed, and that the vote be taken by a rising vote.

Mr. CARTER: Mr. President, I simply wish to state to the Senate, on this motion which we are arguing, that I sincerely hope that they will bear in mind the true merits of the question, the true matter at issue before them, and vote not to indefinitely postpone.

The PRESIDENT: Is the Senate

ready for the question? All those in favor of the indefinite postponement of H. D. 260, an Act relating to standard time, will rise and stand until counted.

(A rising vote was had.)

The PRESIDENT: The motion to indefinitely postpone is lost.

Mr. MAHER: Mr. President, before the vote is announced I desire to change my vote from yes to no, and I will state now that I do so for the purpose of moving a reconsideration, which I give the Senate notice that I will do within the next legislative day.

The PRESIDENT: The question before the Senate is on the motion of the senator from Androscoggin, Senator Carter, who moves that this bill pass to be engrossed.

Mr. CRAM: Mr. President, I move that this matter be tabled, that I may have the opportunity to offer an amendment.

Mr. MAHER: Mr. President, I rise to a point of order.

The PRESIDENT: The gentleman may state his point of order.

Mr. MAHER: The motion of the senator from Cumberland is not in order, in making the motion before the announcement of the vote. I think the only matter that a senator may be recognized on, after a matter has been put to vote and before the declaration thereof, is to change his vote on the question—and that a motion to lie on the table at this stage is not in order.

The PRESIDENT: The Chair will declare a recess for a short time.

After Recess

Mr. MAHER: Mr. President, I inadvertently thought that the vote had not been declared on the motion of the Senator from Cumberland, Senator Cram, to indefinitely postpone. I find from examination of the record that the Chair had announced the vote. Consequently the point of order is not in order.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Cram, to lay this matter upon the table, pending its passage to be engrossed. Is this the pleasure of the Senate? It is a vote unless doubted.

Mr. CARTER: Doubted.

A viva voce vote being taken, the motion was lost.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin,

Senator Carter, that the matter now pass to be engrossed.

The motion was agreed to by a viva voce vote, and the bill passed to be engrossed.

The PRESIDENT: Are there any other matters that we may take up under orders of the day?

On motion by Mr. Crafts of Piscataquis, S. D. 220, An Act to prohibit the taking of firearms into unorganized townships between September 10 and December 10 of each year, tabled by him pending second reading, was taken from the table, and on further motion by the same Senator, the Senate reconsidered its action whereby the bill was given its first reading.

Mr. CRAFTS: Mr. President, I would now like to offer Senate Amendment A to S. D. 220, and move its adoption. I will say for the benefit of the members that in the printing of the new draft the word "except" was left out, which made the document read exactly opposite to what was intended, and the amendment adds that word "except" in the various places.

Senate Amendment A to S. D. 220

Amend the title of said document by inserting after the word "townships" the word "except." Amend paragraph 1, section 1 of said document by inserting after the word "state" in the third line thereof, the word "except," and by inserting after the word "December" in the fifth line thereof, the words "of each year." Amend paragraph 2 of section 1 of said document by inserting after the word "township" in the second line thereof the word "except," and by inserting after the word "December" in the fourth line thereof, the words "of each year."

Mr. POWERS of Aroostook: Mr. President, I move this matter lie on the table pending adoption of the amendment.

The motion was agreed to and the matter was tabled.

On motion by Mr. Foster of Kennebec, S. D. 36, An Act relating to fees for registration of vehicles, tab-

led by him pending adoption of House amendment C, was taken from the table, and the same Senator then moved the adoption of House amendment C.

The motion was agreed to, and on further motion by the same Senator the bill was passed to be engrossed as amended by House amendment C.

Mr. CRAM of Cumberland: Mr. President, I move you that we reconsider our action of yesterday whereby we accepted the report "ought not to pass" on S. D. 77, An Act relating to the registration of voters.

Mr. POWERS of Aroostook: Mr. President, I rise to a point of order and wish to inquire through the Chair whether the Senator from Cumberland voted with the majority in that matter.

The PRESIDENT: The Senator from Cumberland hears the inquiry of the Senator from Aroostook. He may answer through the Chair.

Mr. CRAM: Mr. President, I will state that I was not present yesterday.

Mr. ANTHOINE of Cumberland: Mr. President, I will repeat the motion made by Senator Cram, inasmuch as I was present and voted with the majority, that this matter be reconsidered.

The motion was agreed to.

Mr. ANTHOINE: Mr. President, I now yield to Senator Cram.

On motion by Mr. Cram, the matter was laid on the table, pending acceptance of the report of the committee.

On motion by Mr. Speirs of Cumberland, the Senate voted to reconsider its action whereby the report of the committee on legal affairs "ought not to pass" was accepted on bill, An Act relating to absentee voting and providing methods of voting by a person physically infirm or disabled, and on further motion by the same Senator the matter was tabled, pending acceptance of the report of the committee.

On motion by Mr. Foster of Kennebec,

Adjourned until tomorrow morning at ten o'clock.